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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

<p>UNITED STATES OF AMERICA, Plaintiff, v. THE CITY OF PORTLAND, Defendant.</p>	<p>Case No. 3:12-cv-02265-SI</p> <p>PLAINTIFF'S POST STATUS CONFERENCE STATUS REPORT</p>
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The United States, through undersigned counsel, submits the following status report pursuant to the Court's direction at the conclusion of the Court's Second Annual Status Conference on October 25, 2016. (ECF No. 130).

At the Status Conference, the United States requested that the Court hold a status conference after 30 days for the City of Portland to report on its progress in developing a revised plan for the Community Oversight Advisory Board, which is the subject of Section IX of the Settlement Agreement; and to hold a status conference after 90 days to hear from the parties regarding any proposed modifications to the Settlement Agreement pursuant to Paragraph 175. The United States requested one week to further confer with the other Parties to obtain consensus as to the scheduling of the status conferences. The Court granted this request and directed that if the Parties were unable to agree on a proposed schedule, then the United States was to file a report providing each of the four parties' positions on such scheduling. Unfortunately, the United States and the City have

been unable to agree on further scheduling of status conferences, despite good faith efforts by both parties to confer on this issue.

The United States has further conferred with counsel for Amicus and Defendant-Intervenor. The four parties' positions are as follows.

Plaintiff – United States: The Court has jurisdiction to order status conferences as provided by its Amended Order Entering Settlement Agreement. (ECF No. 99)¹. Upon conferral with all parties, the United States requests that the Court either hold a status conference, or in lieu of a conference, requests that the City submit to the Court a written Supplemental Compliance Report by Friday, December 2, 2016, specifically regarding the steps taken to achieve compliance with Section IX of the Settlement Agreement. The United States further requests the Court hold a status conference on or about Tuesday, January 31, 2017 for the Parties to report on the obligations of Paragraph 175 of the Settlement Agreement and any stipulated modifications.²

¹ In relevant part, the Court “. . . ORDER[ED] that this civil action be placed on the Court’s inactive docket, other than for the annual status conferences referenced in this Order *or otherwise as may be directed by the Court*, and subject to recall to the active docket should the United States move to enforce the Settlement Agreement.” (ECF No. 99) (emphasis added).

² Paragraph 175 of the Settlement Agreement provides the following: “Two years after the Effective Date, DOJ shall conduct a comprehensive assessment to determine whether and to what extent the outcomes intended by the Agreement have been achieved. DOJ will further examine whether any modifications to the Agreement are necessary in light of changed circumstances or unanticipated impact (or lack of impact) of the Agreement’s requirements. This assessment also shall address areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies for accelerating full and effective compliance. Based upon this comprehensive assessment, DOJ may recommend modifications to the Agreement that are necessary to achieve and sustain intended outcomes. Where the City agrees with DOJ’s recommendations, the Parties shall stipulate to

The United States requests the following agenda for the third annual status conference set for Wednesday, October 5, 2017, at 10:00 am, which is similar to that previously set by the Court for the initial status conference. *See* ECF No. 107.

- 10:00 a.m. Court's introductory remarks (10 minutes)
- 10:10 a.m. United States of America ("USA") (35 minutes) (presentation and responses to Court's questions)
- 10:45 a.m. City of Portland ("City") (35 minutes) (presentation and responses to Court's questions)
- 11:20 a.m. Break (ten minutes)
- 11:30 a.m. Albina Ministerial Alliance Coalition for Justice and Police Reform ("AMAC") (20 minutes) (presentation and responses to Court's questions)
- 11:50 a.m. Portland Police Association ("PPA") (20 minutes) (presentation and responses to Court's questions)
- 12:10 p.m. Compliance Officer/Community Liaison ("COCL") (20 minutes) (presentation and responses to Court's questions)
- 12:30 p.m. Community Oversight Advisory Board ("COAB") (20 minutes) (presentation and responses to Court's questions)
- 12:50 p.m. Court's closing remarks (10 minutes)

Defendant – City of Portland: The City asserts that interim conferences are outside of the framework of the Settlement Agreement and the annual status conferences set out in the Court's Order Entering the Settlement Agreement. (ECF No. 99). The City will continue to work in good faith with the United States to bring the City into compliance

modify the Agreement accordingly. Nothing in this assessment shall empower DOJ to unilaterally modify the terms of this Agreement." (ECF No. 4-1).

before the third annual status conference. The City has no objection to the United States providing further status reports to the Court regarding the City's compliance efforts, but does not agree that interim conferences should be held by the Court.

Defendant Intervenor – Portland Police Association: The PPA has no objection to either a status conference in 30 days or for the City to file a supplemental status report to apprise the Court of discussions surrounding the COAB. The PPA also has no objection to a status conference in 90 days to apprise the Court of progress toward modifications of the Settlement Agreement under Paragraph 175, with the understanding that the PPA will be part of those discussions given the impact on its Memorandum of Agreement with the United States and the City. The PPA has indicated that it will assess any future requests for interim status conference(s) by the United States or other parties on a per-request basis.

Amicus Curiae – Albina Ministerial Alliance Coalition of Justice and Police Reform (AMAC): While the AMAC prefers that the parties have an in-person status conference in 30 days, the AMAC agrees, in the spirit of compromise, that the City may submit a written status update in 30 days instead of an in-person conference, and the parties should have a conference in 90 days regarding the status of proposed changes to the Settlement Agreement.

Respectfully submitted this 2nd day of November, 2016.

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